

Applicants: Jansen et al.
Application No.: 10/717,058
Filing Date: November 19, 2006
Docket No.: 102-548 CIP/CON (P-4136P1C1)
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REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-15 and 21-35 are in the application. Through this Amendment, claims 1, 12, 21, 22, 28, 30, 31 and 32 have been amended.

In the Official Action, the Examiner rejected claims 1-15 and 21-35 under 35 U.S.C. §103(a) as being allegedly unpatentable over Cameron (U.S. Patent No. 5,342,320).

Cameron is directed to a hypodermic syringe having a movable shield. The Examiner focused on the embodiment of Figs. 8-11 in formulating the rejection. With reference to Figs. 8-11 of Cameron, a syringe barrel, referred to as sleeve 18, is unitarily formed with a housing 24. The housing 24 and sleeve 18 are thus fixed and immovable with respect to each other by radially extending struts 32, 34, as shown in Fig. 1. A plunger assembly 12 is provided with lower ends 114, 116 that engage the inner surfaces of the leading edge portions 68, 70 of clamshell halves 46, 48 of shield assembly 30. That engagement forces the leading edges of the clamshell halves 46, 48 to flex outwardly, which enables the spring 106 to bias the shield assembly 30 toward its extended position (see, e.g., Fig. 10). Thus, the plunger assembly 12 causes the shield assembly 30, under the bias of spring 106, to move from its retracted to its extended position.

Thus, there are at least two points of distinction between the disclosure of Cameron and Applicants' invention. The first is the relationship between the syringe or barrel, and the holder recited in Applicants' claims. The syringe or barrel of Applicants' claims is for containing a medicament, and is also axially movable with respect to a holder. In contrast, the structure disclosed by Cameron for containing a medicament, the tubular sleeve 18 of the syringe, is fixed with respect to the structure of Cameron that could be a holder, i.e., the housing 24.

The second point of distinction is on activation of the shield. As claimed by Applicants, axial movement of the barrel or syringe relative to the holder causes movement of the shield from a retracted to an extended position. Cameron, in contrast, discloses that the lower ends 114, 116 of the plunger assembly 12 will engage the inner surfaces of the leading edge portions 68, 70 of clamshell halves 46, 48 of shield assembly 30. That engagement forces the leading edges of clamshell halves to flex outwardly, which enables the spring 106 to bias the shield assembly 30 toward its extended position (see, e.g., Fig. 10). Thus, the plunger assembly 12 causes the shield assembly 30, under the bias of spring 106, to move from its retracted to its extended position.

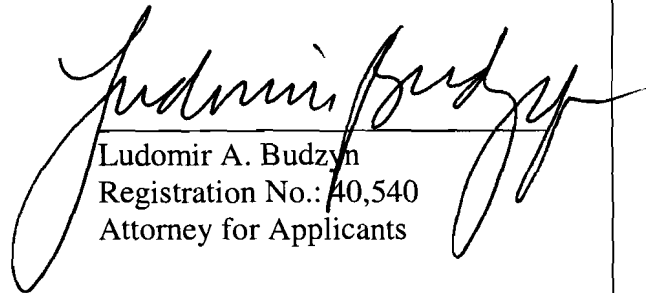
For at least these two points of distinction, Applicants respectfully submit that their invention is patentable over Cameron, whether considered alone or in any proposed combination of prior art and/or the knowledge or a person skilled in the art. Applicants also respectfully submit that all of their pending claims are patentable over the prior art of record, and respectfully request allowance of the claims of the present application.

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The Examiner also provisionally rejected claims 1-15 and 21-35 on the ground of non-statutory obviousness-type double patenting as being allegedly unpatentable over claims 1-10 of co-pending Application No. 10/737,627. Applicants at this time refrain from addressing this rejection. This rejection will be moot if this case is first allowed.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicants' attorney at the number listed below.

Respectfully submitted,



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